

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Massachusetts

MASSACHUSETTS

BRENDA COMEAU AND  
KENDRA LARKIN

V.

O'CHARLEY'S, INC., AND  
99 RESTAURANTS, LLC

SUMMONS IN A CIVIL ACTION

**05 11088 JLT**

CASE NUMBER:

TO: (Name and address of Defendant)

O'CHARLEY'S, INC.  
3038 Sidco Drive,  
Nashville, TN 37204

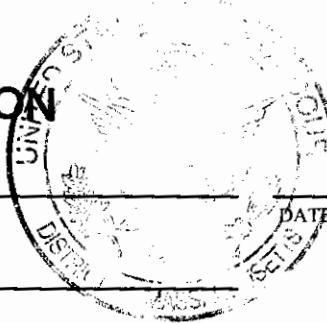
**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)  
J. Whitfield Larrabee, Esq., 4 Cypress Street, Suite 6, Brookline, MA  
02445,

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

CLERK

(By) DEPUTY CLERK



MAY 25 2005

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <i>6/14/05</i>	
NAME OF SERVER (PRINT) <i>J. Whitfield Larrabee</i>	TITLE <i>Attorney for the Plaintiff</i>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input checked="" type="checkbox"/> Other (specify): <i>see attached proof of service</i>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>6/14/05</u> Date	<u><i>J. Whitfield Larrabee</i></u> <small>Signature of Server</small>	
<u><i>4 Cypress Street, Brookline, MA 02445</i></u> <small>Address of Server</small>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Proof and Return of Service

I, J. Whitfield Larrabee, hereby certify and return that on June 1, 2005, I mailed via certified mail, return receipt requested, a copy of the attached summons together with a copy of the complaint to Lawrence E. Hyatt, Registered Agent for Service of Process, O'Charley's, Inc., 3038 Sidco Drive, Nashville, TN 37204 in accordance with Federal R.Civ. P. 4(e)(1), Mass. R. Civ. P. 4(c) and 4(e), and Mass. Gen. Laws ch. 223A sec. 3. Defendant received said summons and complaint on 6/6/2005. See attached cover letter, certified mail receipt and return receipt.

Signed under the penalties of perjury.

Dated: June 14, 2005

J. Whitfield Larrabee  
J. Whitfield Larrabee  
Attorney for the Plaintiffs  
Brenda Comeau and Kendra Larkin

## J. WHITFIELD LARRABEE

larrabee@corporateliabilitylaw.com  
web:www.corporateliabilitylaw.com

TRIAL & APPELLATE LAWYER  
4 CYPRESS STREET, SUITE 6  
BROOKLINE, MASSACHUSETTS 02445

Telephone: (617) 566-3670  
Facsimile: (617) 507-6435

June 1, 2005

Lawrence E. Hyatt  
Registered Agent for Service of Process  
O'Charley's, Inc.  
3038 Sidco Drive  
Nashville, TN 37204

Re: Brenda Comeau and Kendra Larkin v. O'Charley's, Inc. and 99 Restaurants, LLC,  
United States District Court for the District of Massachusetts,  
Civil Action No. 05 11088 JLT

Dear Sir:

Enclosed please find a copy of the Complaint and Demand For Trial By Jury and a copy  
ion.

u under the Massachusetts long-arm statute, G.L.c.  
s. R. Civ. P. 4(c) and Mass. R. Civ. P. 4(e).

tion to this matter.

Very truly yours,

*J. Whitfield Larrabee*

J. Whitfield Larrabee

T REQUESTED

U.S. Postal Service <sup>TM</sup> CERTIFIED MAIL <sup>TM</sup> RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>		
NASHVILLE, TN 37204		
POSTAL FEE		
Postage	\$ 1.29	UNIT ID: 0146
Certified Fee	\$ 2.30	
Return Receipt Fee (Endorsement Required)	\$ 1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.34	06/01/05
Postmark Here		
Clerk: KYW9HF		

Lawrence E. Hyatt, O'Charley's,  
3038 Sidco Drive  
Nashville, TN 37204

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	
COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to:	
Lawrence E. Hyatt	
Kendra Larkin, Inc. O'Charley's, Inc. 3038 Sidco Drive Nashville, TN 37204	
2. Article Number (Transfer from service label)	
7005 0390 0003 2406 0067	
3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee)	
<input type="checkbox"/> Yes	
<input type="checkbox"/> No	
5. Signature	
<i>S. Soria</i>	
6. Address	
7. Date of Delivery	
8. If YES, enter delivery address below:	
9. If YES, enter delivery address below:	